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to exercise reasonable care to protect them. See Dobie, *Bailments and Carriers* (1914) 154, note 92. He could delegate the performance of his contractual duty of carriage to a servant; but as bailee he was still under a common-law duty to accomplish their safe carriage. See VanZile, *Bailments and Carriers* (2d ed. 1908) 111. So it would seem that American courts would hold that he was under a contractual duty to deliver the plaintiff's goods at the agreed place, the performance of which was not excused by the driver's conversion of the goods while transporting them. See *Hasbrouck v. New York Central & H. R. R. R.* (1911) 202 N. Y. 363, 374, 95 N. E. 808, 812. The Wisconsin court in a famous case, where the conductor of a railroad kissed an unwilling female passenger, imposed a similar duty upon the carrier to protect its passengers from the insults of its servants. *Craker v. Chicago & Northwestern Ry.* (1875) 36 Wis. 657. Commenting on this case, a learned English author said that such a decision was in effect to hold that the master warranted the moral impeccability of his servants. See Beven, *Negligence* (3d ed. 1908) vii. This clearly indicates the English viewpoint and its refusal to recognize the master's duties in this regard. The instant case is in accord with the majority of the English adjudications, but it seems that few American courts would follow it. For a discussion of a master's criminal responsibility for the acts of his servant, see (1919) 28 YALE LAW JOURNAL, 700.

CONSTITUTIONAL LAW—ADMIRALTY—STATE WORKMEN'S COMPENSATION ACTS NOT MADE APPLICABLE TO ADMIRALTY BY ACT OF OCTOBER 6, 1917.—The plaintiff, whose husband was drowned in the Hudson river on August 3, 1918, while doing work of a maritime nature, had obtained an award of compensation for herself and minor children under New York law. *Held*, that the award was invalid since the Act of Congress of Oct. 6, 1917, ch. 97, 40 Stat. L. 395, saving from the grant of admiralty jurisdiction to the federal courts by the Judiciary Act "to claimants the rights and remedies under the Workmen's Compensation Law of any State," violates the grant of admiralty jurisdiction to the federal courts by article 3, section 2 of the federal Constitution. Holmes, Pitney, Brandeis and Clarke, JJ., *dissenting*. *Knickerbocker Ice Co. v. Stewart* (May 17, 1920) U. S. Sup. Ct. Oct. Term 1919, No. 543.

This decision reverses (1919) 226 N. Y. 302, 123 N. E. 382 and overrules *The Steamship Howell* (1919, S. D. N. Y.) 257 Fed. 578, (1919) 28 YALE LAW JOURNAL, 835 and approves *Rhode v. Grant Smith Pater Co.* (1919, D. Ore.) 259 Fed. 304. As already indicated in the JOURNAL, the decision logically follows from *Southern Pacific Co. v. Jensen* (1917) 244 U. S. 205, 37 Sup. Ct. 524, (1917) 27 YALE LAW JOURNAL, 255, 269, 924, where by the same division of the Court as in the instant case state workmen's compensation laws were held unconstitutional when applied to maritime torts. See also (1918) 28 YALE LAW JOURNAL, 251; *cf.* (1920) 29 *ibid.*, 362. Though the Act here in question was passed to avoid the effect of that decision the objections raised by the majority could not be removed by Congress. The decision itself was not unexpected but it does accentuate the unfortunate results of the earlier decision. Justice Holmes argues that Congress has by this Act made the state laws federal, citing *Clark Distilling Co. v. Western Md. Ry.* (1917) 242 U. S. 311, 37 Sup. Ct. 180, (1917) 26 YALE LAW JOURNAL, 399, sustaining the act of Congress which prohibited the shipment of intoxicating liquor from one state into another when intended for use contrary to the latter's law. The majority answer distinguished that case on the ground that the constraint, i e., the will causing the prohibition came from Congress, and reassert the doctrine that the legislative power of Congress cannot be delegated to the states.